

**OFFICE OF MANAGEMENT AND TECHNICAL ASSISTANCE
OFFICE OF BUSINESS DEVELOPMENT
U.S. SMALL BUSINESS ADMINISTRATION**

PROGRAM ANNOUNCEMENT

FISCAL YEAR 2003

OPENING DATE: June 9, 2003

CLOSING DATE: July 9, 2003

ANNOUNCEMENT NO: MTA 03-01

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I. PURPOSE

The purpose of this program announcement is to solicit proposals from qualified public and private organizations that have the capability to provide executive education program (EEP) training to 7(j) eligible small business executives nationwide. The award recipients (EEP service providers) will receive funds to cover course materials, accommodations and related trainee costs. The selected cooperative agreement recipients will be principally responsible for project oversight, design, marketing, management, execution, monitoring, and reporting of the executive training programs. The recipients will coordinate all award program-related matters with SBA Headquarters Business Development staff. The award recipients will also work with the Business Development staff in all of the SBA District Offices for assistance in nominating and selecting eligible 7 (j) clients for the EEP training sessions.

II. BACKGROUND

The 7(j) Management and Technical Assistance program is authorized in Section 7(j) of the Small Business Act, 15 U.S.C. 636 (j). In the Act, SBA is authorized to provide financial assistance to public or private organizations, to pay all or part of the cost of projects designed to provide technical or management assistance to individuals or enterprises eligible for assistance under sections 7(i), 7(j)(10), or 8(a) of the Act. Special attention is given to small businesses located in areas of high concentration of unemployed or low-income individuals, and to small businesses eligible to receive contracts pursuant to section 8(a) of the Act. Financial assistance, under this referenced subsection, may be provided for projects that furnish business counseling, management training, and legal and other related services. Special emphasis is placed on the development of management training programs using the resources of the business community. This includes the development of management training opportunities in the existing business, and with emphasis in all cases upon providing training of sufficient scope and duration to develop entrepreneurial and managerial self-sufficiency on the part of the individual served.

The 8(a) Program takes its name from Section 8(a) of the Act, 15 U.S.C. 637(a). Congress created the 8(a) Business Development (BD) program to authorize SBA to provide business development assistance to eligible small disadvantaged business concerns to enable them to compete in the American economy. 8(a) firms are small business concerns certified by SBA to participate in SBA's 8(a) Program. The 8(a) BD program is divided into two phases, the developmental (years one through four) and the transitional (years five through nine) and is limited to one nine-year term.

The executive business development training to be provided under this program announcement must include the following three core subject matters for small business owners: strategic planning, financial analysis and, e-commerce. Additional subjects should include some of the following: internal management systems, business alliances, government contracting, information technology, market research, financial reporting, product lines, quality assurance services, human resources, insurance, taxation, legal issues, investments, international business opportunities and etc.

III. PROGRAM OVERVIEW

- A. Project Name: Section 7(j) Management and Technical Assistance Executive Education Program
- B. Catalog of Federal Domestic Assistance Number: 59.007
- C. Purpose: To provide financial assistance to public and private organizations to deliver business development training to 7(j) eligible executives nationwide.
- D. Project I.D. Number: MTA-03-01
- E. Funding Instrument: Cooperative Agreement
- F. Funding: Subject to the availability of funds, the funding level will be approximately \$700,000.00 of FY 2003 7(j) funds. More funds may be added if they become available.
- G. Funding Range: Award amounts may vary. However, no single applicant may receive more than \$400,000.00 in any one budget period.
- H. Number of Awards: SBA anticipates issuing multiple awards under this announcement. The number of awards may vary based on the pool of qualified applicants. The awards will provide EEP training to approximately 175 7(j) CEOs.
- I. Closing Date for Submission of Applications: July 9, 2003, at 4:00 p.m. Eastern Daylight Savings Time.
- J. Project Starting Date: Within approximately 120 days after the award is issued.
- K. Project Duration: The period of performance for this cooperative agreement is one base year with the option of up to two additional 12-month periods, to be exercised at the discretion of SBA, and subject to availability of funds, satisfactory performance, and continued program authorization. Each option year, if exercised, will constitute a separate budget period. The project recipient's satisfactory performance will be one of the key factors in determining the award of an option year.
- L. Cancellation Note: SBA reserves the right to cancel this announcement in whole or in part at any time prior to award.
- M. Statutory Authority: The Small Business Act, 15 U.S.C. 636(j)
- N. Award Notification: Award recipient names may be obtained, upon request, from SBA's Office of Procurement and Grants Management. SBA will not provide a debriefing of unsuccessful proposals.
- O. Proposal Evaluation: Proposals will be scored against the evaluation criteria on pages 13-16 by a panel of Federal employees. Proposals that are incomplete, illegible, or unreadable, in whole or in part, will be deemed incomplete and will not be evaluated. SBA may ask

applicants for clarification on the technical and cost aspects of proposals. This must not be construed as a commitment to fund the proposed effort.

- P. Points of Contact: Questions concerning the technical aspects of this Program Announcement should be directed to Jacqueline Fleming, Office of Management and Technical Assistance at (202) 205-6177. However, due to the competitive process, SBA will be unable to assist with answers to specific questions regarding individual proposals. Questions concerning budgeting or funding for this grant should be directed to Adrienne Dinkins at (202) 205-7140.

IV. DEFINITIONS

- A. 7(j) Eligible Client – 8(a) certified firms, HUBZone certified firms, firms that are eligible to receive 8(a) contracts, businesses operating in areas of high unemployment or low income and firms owned by low income individuals. Areas of high unemployment are defined in the U.S. Census Bureau's County and City Data Book. The low income area and the low income individuals are defined in the Poverty Guidelines issued by the U.S. Department of Health and Human Services (HHS).
- B. 8(a) Certified Firm – a small business certified by the SBA to participate in the 8(a) program. The firm must be at least 51% owned, controlled and managed by one or more individual(s) determined by SBA to be socially and economically disadvantaged.
- C. Awardee or Recipient - an eligible public or private organization awarded a cooperative agreement by SBA.
- D. EEP Participant – President or CEO of 7(j) eligible firms.
- E. EEP Scholarship – funding to cover registration for the training session, room and board, teaching materials, and training tools (e.g. optional computer tutorials). This funding does not include EEP participant travel cost.
- F. EEP Service Provider - an eligible public or private organization awarded a cooperative agreement to provide executive education program training to eligible 7(j) clients.
- G. Grants Management Officer - the SBA official with delegated authority to obligate Federal funds by signing the Notice of Award. This individual serves as the counterpart to the business officer of the recipient institution and, in this capacity, is responsible for all business management aspects associated with the review, negotiation, award, and administration of the cooperative agreement. This SBA official serves as the mandatory control point for all official communications and contacts with the recipient and is the one who will sign all correspondence involving the business aspects of the agreement.
- H. Grant Officer's Technical Representative (GOTR) – an SBA employee who is authorized to monitor the technical, timeline, and cost performance against the proposed objectives. This individual is responsible for overseeing all programmatic aspects of the awards made under this program announcement.

- I. HUBZone firm – a small business (by SBA size standards) whose principal office is located within a HUBZone (www.sba.gov/hubzone) The firm is owned and controlled by one or more U.S. citizens and approved ownership can also be by a Community Development Corporation or Indian tribe and at least 35% of the employees reside in a HUBZone.

V. ELIGIBILITY REQUIREMENTS FOR COOPERATIVE AGREEMENT APPLICANTS

A. Applicant Pool and Experience

Proposals to provide services under this announcement are solicited from public or private organizations. Institutions of higher education that submit proposals must have American Assembly for Collegiate Schools of Business (AACSB) accreditation or be a member of the American Indian Higher Education Consortium (AIHEC).

B. Eligible Applicant for this Cooperative Agreement

The following eligibility requirements are mandatory:

1. Has had an established Executive Education or similar type Program and has provided executive level training to small business entrepreneurs on at least 3 occasions during the past five years;
2. Has the necessary qualified faculty, support staff, training and technical materials, equipment and facilities or access to facilities to provide the training services required by this Program Announcement to at least 30 clients per class;
3. Has an internal financial management system that meets the standards prescribed in OMB Circular A-110, Subpart C, Section .21 through .28, “Uniform Administrative Requirements for Grants, and Agreements with Institutions of Higher Education, Hospitals and Other Non-Profit Organizations”. The application must include certification to verify that this requirement has been met (e.g., written statement from a certified public accountant);
4. Is responsible for maintaining day-to-day management of the project. This includes interaction with SBA HQ and field staff and 7(j) eligible clients (small business owners), as well as recipient’s Grants, Accounting and Finance offices.

C. Ineligible Applicants for this Cooperative Agreement

The following applicants will automatically be considered ineligible and their applications will not be evaluated:

1. Any public or private organization with an unresolved audit by any Federal agency or suspended or debarred from receiving grants from any Federal agency;
2. Any organization that has defaulted on an obligation to the United States and;
3. Any organization that does not have experience providing executive level training to

small business entrepreneurs on at least three (3) occasions during the past five (5) years.

D. Ability to Serve Eligible Clients

The applicant must show evidence of the ability to deal effectively with the clients to be served. For the purpose of this announcement, clients are defined as 7(j) eligible firms (see Section IV Definitions). The applicant must have an understanding of the Small Business Act, as amended, the programs of the Small Business Administration, and other Federal, State, and local programs which affect 7(j) business persons.

VI. GENERAL INFORMATION

A. Joint Ventures: Joint venture efforts will not be considered under this announcement.

B. Match Requirements: There is no matching fund requirement for 7(j) Management and Technical Assistance program awards.

C. Equipment: Funding for this cooperative agreement shall not be used for equipment purchases.

D. Photographer Services: Funding for this cooperative agreement shall not be used for photographer services.

E. Program Income: Program income as defined in 13 C.F.R. 143.25 or OMB Circular A-110.24 must be reported on financial reports submitted to SBA and added to funds committed to the project by SBA and recipient. Program income may be used to further eligible project or program objectives. Program income includes but is not limited to income from service fees, sale of commodities, and usage or rental fees. Program income does not include interest earned on advances. All program income must be reported quarterly on the required Standard Form 269, Financial Status Report.

F. Cost Principles:

1. The Recipient agrees to follow OMB Circular A-87 - Cost Principles for State and Local Governments or OMB Circular A-21 - Cost Principles for Education Institutions or OMB Circular A-122 - Cost Principles for Non-profit Organizations requirements.
2. The Recipient is responsible for ensuring the proper management and financial accountability of Federal funds to preclude cost disallowances.
3. The Recipient agrees that award funds will be used solely to obtain goods and services related to the accomplishment of the project.
4. Consistent with or in addition to any requirements in OMB Circular A-87 or OMB Circular A-21 or OMB Circular A-122, the Recipient agrees that no award funds will be used:
 - a. to create or supplement a reserve or contingency fund or account;

- b. to provide financial assistance, including but not limited to property subgrants and seed money for business ventures, unless authorized by statute;
- c. for the cost of promotional items and memorabilia including models, gifts, prizes and souvenirs;
- d. for costs of entertainment, including amusement, diversion and social activities, and any costs directly associated with such costs (such as tickets to shows or sports events, meals, lodging, rentals, transportation and gratuities);
- e. for contributions and donations (including cash, property and services) or similar gratuitous transfers of funds or of goods or property purchased with award funds by Recipient to others;
- f. for the purpose of fund-raising;
- g. for lobbying as set forth in OMB Circular A-87 or OMB Circular A-21 or OMB Circular A-122.

G. Prior Grant Funds: If the Recipient has been awarded a cooperative agreement from a prior fiscal year which remains active during the project period of this Award, the Recipient agrees to avoid overlapping or co-mingling funds for the same cost element.

H. Carryover Policy:

1. The recipient may request approval to use unexpended funds in the next budget period. This is permissible if funds are to be used for a non-severable, non-recurring project or activity within the scope of the 7(j) EEP program. Non-severable means a project in its entirety that cannot be subdivided. The request for using unexpended funds in the next budget period must include the following:
 - a. SF 424, budget pages and justification and;
 - b. Narrative indicating why the funds were not expended during the period in which they were awarded.
2. The carryover request must be made no later than 60 days before the end of the budget/project period or the de-obligation process will begin. Approved requests will require the issuance of a revised Notice of Award. Expenditures for funds carried over to the next budget period must be tracked separately. All financial reports and pay requests must reference the Federal Requisition number.

I. No-Cost Extension: The Recipient will apply to extend the expiration date in the final option year of this grant if additional time beyond the established expiration date is required to assure adequate completion of the original scope of work within the funds already made available.

1. For this purpose, the Recipient may make an extension request for a one-time, no cost extension, not to exceed 12 months, prior to the established expiration date. Written

notification of such an extension, with the supporting reasons, must be received by the SBA Grant Officer at least 60 days prior to the expiration of the award.

2. SBA reserves the right to disapprove the extension if:
 - a. the extension requires additional Federal funds;
 - b. the extension involves any change in the approved objectives or scope of the project and;
 - c. if the extension is not in the best interest of SBA (OMB Circular A-110.25(e)(2)).
3. Extension of this Cooperative Agreement may preclude the Recipient from receiving a subsequent award for this project.

J. Option Year Funding: The government reserves the right to exercise, at its own discretion, two twelve (12) month options, for a total project period of up to thirty-six (36) months. Each option year will constitute a separate budget period. Among the factors involved in deciding whether to exercise an option are the availability of funds, satisfactory performance of the applicant, and the determination that continued funding would be in the best interest of the government.

K. Publication Requirements:

1. The Recipient will acknowledge its relationship with the SBA in all marketing products, websites, letterhead, newsletters, publications, articles, media events, news releases, public appearances, interviews, public service announcements, promotional items, brochures and the like, that are related to this project by using the following statement in legible, easily readable print:

This U.S. Small Business Administration (SBA) cooperative agreement is funded by the SBA. SBA's funding is not an endorsement of any products, opinions, or services. All SBA funded programs are extended to the public on a nondiscriminatory basis.

2. The recipient may not use SBA's name or logo for the endorsement of any services, products, or merchandise under this award.
3. SBA will have an unlimited license and all rights to use data, however stored, and written materials, including those stored electronically which are generated under this award, whether or not the materials are copyrighted.
4. In accordance with Section 504 of the Rehabilitation Act and the Americans With Disabilities Act of 1990, all notices, promotional items, brochures, publications and media announcements informing the public of events, programs, meetings, seminars, conferences and workshops sponsored or co-sponsored by SBA must include the following accessibility/accommodation notice:

Reasonable accommodations for persons with disabilities will be made if requested at

least two weeks in advance. [Provide name and phone number of person responsible for making arrangements.]

L. Websites

1. The Recipient must submit website information to the SBA Technical Representative for review and approval.
2. The SBA logo may appear on prominent webpages of Internet sites that are related to this project, but must appear with the following disclaimer in legible, easily readable print and acknowledgement of support in close, physical proximity (within 2 inches):

This U.S. Small Business Administration (SBA) cooperative agreement is funded by the SBA. SBA's funding is not an endorsement of any products, opinions, or services. All SBA funded programs are extended to the public on a nondiscriminatory basis.

3. The Recipient agrees to limit its acceptance of advertising, cross-selling, and promotions to advertisers approved in advance by the SBA Technical Representative. The Recipient agrees not to accept advertising, cross-selling or promotions from any advertiser promoting, offering or selling alcoholic beverages, tobacco products, sexual products (including dating services and pornographic materials), illegal or controlled substances or materials, gambling and gaming devices, products or services, and any other products, services or materials inimical to the mission of this cooperative agreement or that do not assist small business and entrepreneurs, as determined by SBA.
 4. The Recipient agrees that before developing any new website content, including but not limited to distance training or e-commerce materials or courses, that it will cooperate with SBA and not duplicate any existing website content, distance training or e-commerce materials currently available to SBA or in development by SBA.
- M. Surveys: Any surveys or information collections to be conducted by the Recipient as a requirement of the cooperative agreement project are subject to the requirements of the Paperwork Reduction Act, as amended. The SBA agrees that before the Recipient is required to conduct any survey or information collection, the SBA will complete the necessary requirements under the Paperwork Reductions Act. The Recipient agrees that before conducting any surveys or information collections that it will cooperate with SBA regarding Federal procedures and requirements, including those mandated by the Paperwork Reductions Act, as amended.
- N. Notwithstanding any other provisions of this Award, the Recipient shall not transfer, pledge, mortgage or otherwise assign this Award to any interest therein or any claim arising thereunder.
- O. 37 C.F.R. Part 401 (Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts, and Cooperative Agreements) is incorporated by reference into the provisions of this award and made a part thereof.

P. Record-Keeping Requirements

1. The Recipient agrees to maintain complete and accurate records and supporting documentation to support and facilitate any thorough financial and/or program audit and the annual programmatic and financial examination. Further, the Recipient shall be prepared to furnish such records for audit and examination review.
2. Copies of all contracts and reports furnished by contractors and consultants shall be provided to SBA officials upon request.
3. The Recipient agrees to maintain time and attendance records, on employees whose salaries are charged to this award, in sufficient detail to create a clear audit and examination trail, and to substantiate the percentage of effort expended in support of project objectives.
4. At the request of the Grants Management Officer or auditor, the Recipient must produce documentation that shows the expenses incurred. Documentation may include but is not limited to annual audited financial statements, receipts, time cards, airline tickets, training rosters and the like.

Q. Reporting Requirements:

1. The Recipient will be required to submit the reports as outlined below. The Recipient must agree to cooperate with SBA in the collection and retention of data required by this award. The applicant's ability to meet reporting requirements must be addressed in the Technical Proposal. **Payments may be withheld if reports are not submitted within the required time frame or if the quality of reports is considered inadequate.** SBA will notify participants if it decides to take such action. One original and two copies of each report must be provided to SBA.

2. Submit Performance Reports (and copy of Financial Status Report) to:

U.S. Small Business Administration
Office of Business Development
409 Third Street, SW – 8th Floor
Washington, DC 20416
Attention: Grants Office Technical Representative (GOTR)

3. Submit Financial Status Report (and copy of Performance Report) to:

U.S. Small Business Administration
Office of Procurement and Grants Management
409 Third Street, SW – Suite 5000
Washington, DC 20416
Attention: Grants Management Officer

4. The quarters for this award will be:
 - a. October 1 - December 31
 - b. January 1 - March 31
 - c. April 1 - June 30
 - d. July 1 – September 30

R. Performance Reports: Reports for the first three quarters of each budget period shall be due no later than 30 days after the end of each quarter. The final/4th quarter report is due no later than 30 days after the end of the budget year.

1. Quarters for this award will be as indicated above. For purposes of this award, Recipient's first quarter will begin on the quarterly start date immediately following the start date for the project period.
2. First, second and third quarter performance reports must have a coversheet that is labeled with the following information: number of the quarter (1st, 2nd or 3rd), Recipient's name, award number, dates of performance, including the name, telephone number and email address of the point of contact.
3. Quarterly performance reports, unless otherwise specified, must contain a summary of activity for the reporting period using the following format:
 - a. The number of 7(j) eligible firms who participated in the EEP training sessions and the number of eligible firms who received training that met or exceeded expectations. The final quarterly performance report must also include a list of all participants that received EEP training. That list will include: nominating district office code or name, name of the firm, complete firm address, dates of EEP training, 7(j) eligible status (i.e. 8(a) or HUBZone certified, high unemployment/low income, etc.), ethnicity and whether or not the 7(j) eligible firm is a woman-owned firm. The last two items are requested to assist the SBA in responding to Congressional and other inquiries that are received from time to time.
 - b. A comparison of actual accomplishments to the estimated milestones established for the reporting period. This report must include a side-by-side comparison of actual accomplishments compared to proposed milestones for the reporting period.
 - c. A discussion of accomplished milestones and reasons for slippage in those cases where milestones are not met. Where milestones were not met, a plan of action must be provided to overcome these slippages or a detailed statement of how the program will better serve targeted small businesses if the milestones are revised.
 - d. Information relating to actual financial expenditures of budget object cost categories versus the estimated budget award, including an explanation of all cost overruns, if any, by budget object cost category. Financial data furnished in this report is from a manager's standpoint and is in addition to that furnished in the financial reports cited below.

- e. Other pertinent information, including significant accomplishments or milestones of special significance. The report should include items which may be determined appropriate by SBA after acceptance of the grant proposal but which cannot be pre-determined due to the undetermined special purpose of the cooperative agreement at the writing of this document.
- S. Financial Reports: Financial Status Report Forms must be submitted every quarter with the performance reports.
- 1. The financial reports consist of Financial Status Reports and Federal Cash Transactions Reports (for advance payments, if any). The Recipient is required to submit Financial Status Reports utilizing Standard Form 269 and Federal Cash Transactions Reports utilizing Standard Form 272. The final (fourth quarter) reports may include adjustments to previous reports.
 - 2. Financial reports shall be due no later than 30 days after the end of each quarterly reporting period (e.g., no later than January 31 for the period ending December 31). The final (fourth quarter) report is due 90 days after the end of each 12-month budget period. The final report must include a cost breakdown, by line item of actual financial expenditures of cost incurred. This breakdown must be recorded on the, Detailed Expenditures Worksheet, and submitted along with the final Standard Form 269. If there is a cost overrun, the Recipient must include an explanation by line item on Standard Form 269, block 12 remarks.
 - 3. Standard forms are available on the Office of Management and Budget website. The website address is www.whitehouse.gov/OMB/grants/index.html.
- T. Subcontracts: Any and all contracts awarded under this cooperative agreement must be approved by SBA in advance and in writing and must not exceed 50% of the total amount of the 7(j) Management and Technical Assistance Program cooperative agreement.
- U. Subgrants: The Recipient is not allowed to issue subgrants.
- V. Diversity: In making awards under the Act, SBA will ensure that cooperative agreement recipients serve diverse populations of the eligible clients.

VII. OMB UNIFORM ADMINISTRATIVE REQUIREMENTS AND COST PRINCIPLES

- A. The 7(j) Management and Technical Assistance Executive Education Program Notice of Award incorporates by reference all applicable OMB Circulars and Federal Acquisition Regulations (FAR), including:
- 1. OMB Circular A-21 - Cost Principles for Educational Institutions, containing cost principles for educational institutions;

2. OMB Circular A-87 - Cost Principles for State, Local, and Indian Tribal Governments, containing cost principles for State, local governments, and federally recognized Indian tribal governments;
 3. OMB Circular A-110 - Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, containing administrative requirements;
 4. OMB Circular A-122 - Cost Principles for Non-Profit Organizations, containing cost principles for non-profits; and
 5. OMB Circular A-133 - Audits of States, Local Governments, and Non-Profit Organizations, concerning audits;
- B. Current versions of OMB Circulars are available from the Office of Management and Budget's website. The address is <http://www.whitehouse.gov/omb/grants/>.

VIII. SBA INVOLVEMENT

- A. SBA's Office of Management and Technical Assistance (MTA) in the Office of Business Development (BD) will monitor and oversee the ongoing operations of the cooperative agreement to promote effective and efficient use of Federal funds.
- B. SBA has the discretion to take one or more of the following actions if a recipient fails to comply with the terms and conditions set forth in the cooperative agreement whether stated in a Federal statute, regulation, assurance application or Notice of Award.
 - Temporarily withhold cash payments;
 - Disallow all or part of the cost of the activity or action;
 - Wholly or partly suspend or terminate the current award; and/or
 - Withhold further awards for the project or program or take other remedies that may be legally available.
- C. SBA must approve in advance all contracts, other than those submitted as part of the proposal.
- D. SBA must approve in advance any change in senior management such as Executive Director, Program Manager, etc. The selection of all regular staff, other than clerical support, also requires prior SBA approval.
- E. The SBA will review records, files, and procedures relating to the performance of the recipient.
- F. The SBA will interview clients to evaluate program effectiveness.
- G. The SBA will review semi-annual reports for completeness and adequacy. Incomplete, late or missing reports may lead to termination of funding.

- H. Through the SBA Information Notice process, the SBA HQ will inform all the SBA district offices of the awards issued, and the approved Executive Education Programs for the current fiscal year. The Notice will include schedules, EEP contact information and general information about eligibility for the various EEPs.
- I. Upon receipt of the EEP program brochures and applications (from the award recipient), the SBA district offices, will promptly communicate (by telephone call, email, letter, fax, etc.) the announcement about the various EEP training sessions, to the 7(j) eligible client executives in their respective servicing area. The District Office communication will also indicate that all eligible 7(j) client executives who are interested in applying for the training must submit their completed applications to the servicing District Office.
- J. The District Office will review the EEP applications, make nomination selections and forward the approved number of executive nominations to the EEP service provider. (The Recipient should issue guidelines for the number of district office nominations, based on the size of the recipient training facility.) The District Office will not nominate firms that have already received two (2) or more SBA sponsored EEP training opportunities. The District Offices will use appropriate measures (reminder and follow-up communications) to strongly encourage the selected 7(j) eligible executives to attend the EEP training, so that the limited 7(j) resources are not wasted on “reserved” but unused training slots.
- K. The SBA District Office will provide assistance, as needed, to the EEP program directors so that the EEP classes have the maximum number of 7(j) client executives for each class. This may involve identifying alternate participants and/or maintaining a stand-by list that can be used when participant cancellations occur.
- L. In order to monitor the training provided to the 7(j) clients in their servicing area, the District Office will follow-up with the EEP participants once the training is completed.
- M. The SBA will conduct an annual programmatic and financial review of the EEP service provider.

IX. PROPOSAL INSTRUCTIONS AND EVALUATION CRITERIA

The technical and cost proposals must be bound separately. The technical proposal must be double-spaced. The proposal must be prepared using the outline below. Applicants are reminded to include documentation of the mandatory eligibility requirements (i.e. established EEP training or similar type program, executive level training to small business entrepreneurs during the past 5 years, etc.) in the technical proposal part of the application package. Failure to provide the mandatory eligibility documentation will result in disqualification of the application, and the application will not be evaluated. In addition, incomplete or illegible (in whole or in part) applications will not be evaluated.

The following details what each eligible applicant must submit for review by SBA. The maximum number of points an applicant may receive for each criterion group is shown to the right of the listing. An Objective Review Committee (“ORC”) will score eligible proposals based on evaluation criteria stated in this announcement. The ORC will consist of SBA officials

and may include Federal Officials from other agencies. SBA may ask applicants for clarification on the technical and cost aspects of the proposals. Such clarifications do not constitute a commitment to fund the proposed effort.

A. Technical Proposal (110 points)

Technical Proposal Format includes:

1. Overview – in two pages or less, the applicant must explain why its proposal merits funding under this program announcement.
2. Plan for Services – the applicant must provide the curriculum and the proposed schedule for the EEP services.
3. Capabilities and Services –the applicant must provide narrative to address the following criteria sections

Section 1. Applicant Eligibility and Experience in Conducting Executive Level Business Development Training Programs for Small Business Owners (30 points)

- a. The applicant must prove that it meets the eligibility requirements set forth in Section V of this program announcement.
- b. The applicant should submit information regarding current and past performance in providing executive level business development training to small businesses on three (3) occasions during the past five (5) years. This must include all experience in working with 7(j) eligible clients.
- c. In this section, the applicant should discuss the items delineated below:
 1. Its understanding of the needs of the 7(j) eligible population, especially the minority small business community and business businesses in distressed, or low-income areas and areas of high unemployment
 2. Its understanding of existing and historical small business assistance programs.
- d. As part of documenting past experience, the applicant should include any grants or contracts similar in scope to the grant for which it is applying or that it has received. Specifically provide the name, if any, of any Federal or non-Federal, agency or private sector foundations or organizations providing funding, the grant or contract number, a short summary of services provided under each grant, and the periods of performance. Include in each summary the name and contact information (phone number and E-mail address) of the person providing oversight on each grant or contract.

Section 2. Present Ability of Applicant to Provide Within a Minimum Amount of Time, Executive Level Business Development to Small Business Owners Who Are 7(j) Eligible (50 points)

- a. The applicant must provide a description of its plans to provide Executive Education Program training to nationwide 7(j) eligible clients. The EEP curriculum should

- include the following three core subject matters for small business owners: strategic planning, financial analysis and, e-commerce. Additional subjects should include some of the following: internal management systems, business alliances, government contracting, information technology, market research, financial reporting, product lines, quality assurance services, human resources, insurance, taxation, legal issues, investments, international business opportunities and etc.
- b. The applicant must provide documentation that it has the necessary staff, training and technical materials, computer equipment, and facilities to provide the Executive Education Program training in a classroom environment. The applicant must indicate the number of 7(j) clients anticipated to receive the proposed business development training.
 - c. The applicant must provide documentation that it has an internal financial management system that meets the standards prescribed in OMB Circular A-110, Subpart C, “Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.”
 - d. The applicant must provide a plan outlining the training to be given as well as the schedule for such training. The plan must include the scheduling of at least one EEP session within the first 6 months of the initial award. Narrative justification must be provided if the plans to conduct the first EEP session are beyond 6 months.

Section 3. Internal Organization, Structure, and Activities of the Applicant (5 points)

- a. Describe the applicant’s ability to obtain personnel who are qualified to meet the goals of providing assistance under this announcement. Provide position descriptions and resumes of personnel key to the performance of this training project. The resumes should clearly present each employee’s qualifications relative to this particular work. Special mention should be made of relevant experience. Personnel indicated should demonstrate knowledge of any and all business development subject areas.
- b. Provide an organizational chart showing all proposed full-time and part-time project staff and the amount of time each will devote to the project. The EEP Project Director must be a full time employee of the recipient organization, however, the EEP Project Director does not have to be solely dedicated to this activity.
- c. Describe the role of contractors, and/or outside consultants and indicate the percent of the project services the applicant anticipates each will provide.
- d. Indicate the positions within the organization that will be responsible for financial record-keeping regarding receipt and expenditure of program funds.

Section 4. Plans for Coordination with All SBA District Offices (10 points)

- a. Describe the outreach and delivery plans for promoting and marketing the EEP.

Provide information on plans to publicize (printed materials, internet, public service announcements, etc.) the training.

- b. Describe plans to send brochures and applications to the District Offices, and work with District Offices to receive sufficient nomination applications in a timely manner for effective class preparation (i.e. pre-class material reading for participants, etc.) and maximum class enrollment.

Section 5. Plans for EEP Evaluation

(5 points)

- a. The applicant should discuss the measures that it will use to evaluate the success of its proposed plan, and how it intends to meet its stated objectives. Measures should include number of businesses projected to receive the executive education training. As a requirement under the SBA Scorecard initiative, periodically (actual timing – weekly, monthly, etc. – to be determined), the award recipients will be required to provide the number of 7(j) eligible clients that received assistance.
- b. The applicant should provide a copy of the evaluation instrument that EEP participants will be asked to complete after the training. The evaluation should include, but not be limited to, subjects/topics covered, the training delivery, the presenters, the facilities, and the usefulness of the training to the participants' businesses.

Section 6. Timeline/Milestones

(10 points)

In this section the applicant must include a milestone chart/timeline covering the 12-month award period. The chart must reflect the tasks to be accomplished for completion of the award performance. The milestone chart must be approved by SBA and it will serve as the measure of achievement during the award period.

B. Cost Proposal

(40 points)

The cost proposal must include the application cover sheet (Application for Federal Assistance - SF 424), budget information (SF 424A), the SBA supplemental attachment sheets (attachments A-9 through A-12), and assurances and certifications (SF 424B). The applicant's Cost Proposal will be evaluated in terms of the quality and effectiveness of proposed strategies and whether the budget is reasonable and appropriately related to the objectives of the proposal. The standard forms are available on the OMB website – <http://www.whitehouse.gov/omb/grants/>.

X. COMPLETING THE APPLICATION

The technical and cost proposals for this application must be typed and the technical proposal must be in a double-spaced format. If more space is needed than is provided on a form, the applicant should use a blank sheet of paper and complete the information using the same

format. There should be proper identification of the item and the sheet of paper as a continuation page and it should be attached behind the appropriate application page.

XI. PREPARING THE BUDGET

A. INSTRUCTIONS FOR STANDARD FORM 424 (APPLICATION FOR FEDERAL ASSISTANCE)

Standard Form 424, Application of Federal Assistance, will be found beginning at page A-1 of this announcement. This guidance supplements the instructions contained on the reverse side of the form.

- Item 1. Self-explanatory
- Item 2. Refer to instructions on reverse of form
- Item 3. Refer to instructions on reverse of form
- Item 4. Leave Blank
- Item 5. Refer to instructions on reverse of form
- Item 6. Refer to instructions on reverse of form
- Item 7. Refer to instructions on reverse of form
- Item 8. Enter: "new"
- Item 9. Enter: "U.S. Small Business Administration"
- Item 10. Enter: 59.007, 7(j) Management & Technical Assistance
- Item 11. Refer to instructions on reverse of form
- Item 12. Refer to instructions on reverse of form
- Item 13. Refer to instructions on reverse of form
- Item 14. Refer to instructions on reverse of form
- Item 15. Refer to instructions on reverse of form
- Item 16. Enter: Check "b." This program is not covered by E.O. 12372.
- Item 17. Refer to instructions on reverse of form
- Item 18. Refer to instructions on reverse of form

B. INSTRUCTIONS FOR STANDARD FORM 424A (BUDGET INFORMATION)

Budget information is found on pages A-1 through A-12

The budget is the applicant's estimate of the total cost of performing the project or activity for which grant support is requested. The budget is to be based upon the cost of performing the project including Federal and private sources. All proposed costs reflected in the budget must be necessary to the project, reasonable and otherwise allowable under applicable cost principles and Agency policies. All costs must be justified and itemized by unit cost on the Budget Worksheets (p. A-3).

Section A – Budget Summary

Column (A): Enter "7(j) Management & Technical Assistance"

Column (B): Enter the Catalog of Federal Domestic Assistance Number 59.007

Section B – Budget Categories

Amounts entered by budget category in this section are for summary purposes only. Itemization and justification of specific needs by budget category are to be shown under line 21, Section F.

Line 6.a. – 6.h. The budget amounts must reflect the total requirements for funds regardless of the source of funds. All amounts entered in this section are to be expressed in terms of whole dollars only after completing the requirements of Section F.

Line 6.j. Indirect costs are those costs related to the project that are not included as direct costs in a. through h.

Section C – Non-Federal Resources

Refer to instructions on reverse of form.

Section D – Forecasted Cash Needs

Refer to instructions on reverse of form.

Section E – Budget Estimates of Federal Funds Needed for Balance of the Project

Refer to instructions on reverse of form.

Section F – Other Budget Information

Line 21, Direct Charges: Identify and explain all items or categories under Section B in accordance with the instructions set forth below. The itemization must reflect the total requirements for funding from Federal and non-Federal sources. In most instances, Line 21 does not provide sufficient space to reflect all of the necessary information. Budget Worksheets are enclosed. Use these worksheets for the detailed budget information listed below or a reasonable facsimile; BUT each budget line item pertinent to the submission MUST ALSO be completed on the application. Please show a complete breakdown of all cost elements summarized in Section B on a separate sheet. Do not list on Line 21 any items included in the indirect expenses entered on Line 22 below.

- a. Personnel: List the name, title, salary and estimated amount of time for each employee who will be assigned to this project. Note that fees, expenses, and estimated amount of time for outside consultants should be included in f., Contractual. The estimated performance time for outside consultants is not to exceed 50 percent of the total amount of the project. Resumes of all personnel assigned to this effort must be included in the application.
- b. Fringe Benefits: Leave blank if fringe benefits applicable to direct salaries and wages are treated as part of indirect costs in the indirect cost rate negotiation agreement. If your organization does not have a federally negotiated fringe benefit package, list each component included as a fringe benefit.
- c. Travel: Reimbursement will be made based on incurred cost for employees, contractors, speakers/presenters and panel members. Estimates should be based on knowledge of the geographical area. Supporting data should include number of trips anticipated, costs per trip per person, destinations proposed, modes of transportation, and related subsistence expenses. Travel reimbursement will not be made for time in travel to and from the

client's (contactors, presenters) location. Funds for this cooperative agreement shall not be available for EEP participants to travel to the training facility. Travel funds also will not be used during the project period to transport 7(j) eligible clients to non-training locations. Estimates for allowable "room and board" or accommodations are not to be included in the travel estimate.

- d. Contracts and Other: Estimates for allowable "room and board" or accommodations are should be reflected under Contracts or Other.

Line 22 Indirect Charges:

(Attach Budget Worksheets or reasonable facsimile if sufficient space is not provided.)

Enter the indirect cost rate, date, and agency that issued rate.

If an indirect cost rate is not established, itemize elements and costs of overhead and G&A (General and Administrative) expense categories relative to the performance of this project.

XII. ASSEMBLY AND MAILING INSTRUCTIONS

A. Please indicate the following information on the front of the return envelope:

1. Your organization's name and return address including zip code in the upper left-hand corner of the return envelope.
2. Place the following notation in the lower left-hand corner of the sealed envelope.

THIS IS A SEALED OFFER. DO NOT OPEN. STAMP THE DATE AND TIME RECEIVED ON THE ENVELOPE. THIS PROPOSAL IS IN RESPONSE TO PROGRAM ANNOUNCEMENT NUMBER, MTA-03-01 DUE JULY 9, 2003, AT 4:00 P.M., LOCAL TIME, AT THE U.S. SMALL BUSINESS ADMINISTRATION, OFFICE OF PROCUREMENT & GRANTS MANAGEMENT, 409 3RD STREET, SW, 5TH FLOOR, WASHINGTON, DC 20416, ATTENTION: Adrienne Dinkins.

B. Please submit an original and three copies of the pages described below in items 1 and 2. They are part of the Announcement and should be completed and submitted with an original and three copies of the proposal:

1. The Federal Assistance Application (Standard Form 424), including the cost and technical proposals, and related budgetary data.
2. Appendix B, Assurances and Certifications (with appropriate signature).

C. To facilitate review and processing of the proposals, your submission must be arranged, as follows, in two separately bound parts:

1. Part I: TECHNICAL PROPOSAL – This part is comprised of the Program Narrative. The proposal should be completed with a table of contents and must be responsive to the

evaluation criteria set forth on pages 14-17. The Technical Proposal must be bound separately from Part II. DO NOT include any cost information in Part I, The Technical Proposal.

2. Part II: COST PROPOSAL – This part is to be comprised of the Application, the Budget Information, and the Assurances and Certifications. The material identified as Part II must be bound separately from the Technical Proposal. DO NOT include any technical information in Part II, The Cost Proposal.

D. Your application should be submitted in original and three copies to:

U.S. Small Business Administration
Office of Procurement and Grants Management
409 Third Street, SW, 5th Floor
Washington, DC 20416
ATTN: Adrienne Dinkins

XIII. LATE SUBMISSION, REVISIONS AND WITHDRAWALS

Any application received at the Office of Procurement and Grants Management after the exact time specified for receipt, will not be considered unless it is received before the award is made, AND:

- A. It was sent by registered or certified U.S. mail not later than the fifth calendar day before the date specified for receipt of offers (e.g., an offer submitted in response to a solicitation requiring receipt of offers by the 20th of the month must have been mailed by the 15th);
- B. It was sent by U.S. mail or hand-carried (including delivery by a commercial carrier) if it is determined by the Government that the late receipt was due primarily to Government mishandling after receipt at the Government installation;
- C. It was sent by U.S. Postal Service Express Mail Next Day Service-Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the date specified for receipt of proposals. The term "working days" excludes weekends and U.S. Federal holidays;
- D. There is acceptable evidence to establish that it was received at OPGM and was under the Government's control prior to the time set for receipt of offers, and the Grants Management Officer determines that accepting the late offer would not unduly delay the procurement; or
- E. It is the only proposal received.

XIV. UNSUCCESSFUL APPLICANTS

After a decision has been reached and if the proposal is not successful, SBA will send written

notification. This written notice will be SBA's final response to this program announcement. SBA will not provide debriefing sessions if the proposal was not successful.

XV. CANCELLATION

SBA reserves the right to cancel this announcement in whole or in part at the Agency's discretion.

XVI. PRIVACY ACT (5 U.S.C. §552a)

Any person can request to see or get copies of any personal information that SBA has in the requestor's file, when that file is retrieved by individual identifiers, such as name or social security number. Requests for information about another party may be denied unless SBA has the written permission of the individual to release the information to the requestor or unless the information is subject to disclosure under the Freedom of Information Act ("FOIA").

Note: Any person concerned with the collection, use and disclosure of information, under the Privacy Act may contact the Chief, Freedom of Information/Privacy Act Office, U.S. Small Business Administration, Suite 5900, 409 Third Street, SW, Washington, DC 20416, for information about the Agency's procedures relating to the Privacy Act and FOIA.

XVII. PAPERWORK REDUCTION ACT (44 U.S.C. Ch. 35)

The information being requested in this Program Announcement is needed to evaluate applicants and ensure that awards are made in furtherance of the 7(j) Management and Technical Assistance Program's objectives. The information will be used to grant awards to provide assistance to small businesses. Applicants' responses to the data collection requirements are necessary for them to receive a benefit under the 7(j) Program. The information provided by applicants will be kept confidential to the extent required by law. Applicants are not required to respond to the Program Announcement unless it displays a currently valid OMB number. SBA estimates it will take applicants 80 hours to respond.

SUPPLEMENTARY INSTRUCTIONS

1. Personnel

Enter in Column 1 the annual (12 months) salary rate for each key position referred to in the narrative, which will be filled for all or any part of the year by an incumbent working on the project. This rate may not be more than that paid by the grantee to other employees in comparable positions or, if the grantee has no comparable positions, the rate may not be more than that paid for such services elsewhere in the community.

Enter in column the number of months the position will be filled by an incumbent working on the project.

Enter in Column 3 the percent of time or effort the incumbent will devote to the project during the number of months shown in Column 2.

Enter in Column 4 the total amount required, as computed from the information shown in Columns 1 through 3. Use the following formats:

$$\text{Annual Salary} \times (\text{Col. 1}) \frac{\text{No. of Months (Col. 2)}}{12} \times \text{Percent of Effort (Col. 3)} = \text{Total Amount Required (Col. 4)}$$

EXAMPLES:

PERSONNEL				
NAME	ANNUAL SALARY RATE	NO. MOS. BUDG.	% TIME	TOTAL AMOUNT REQUIRED
	(1)	(2)	(3)	(4)
Full-Time Employee of Institution working 60% time on project. ----- ----- John Doe	\$24,000	12	60%	\$14,400
<u>Calculation</u>	\$24,000 x	$\frac{12}{12}$ x	60%	= \$14,400
Summer Employee (3 months) to be paid \$1,000 a month. will work on project 25% of time. ----- ----- Richard Doe	\$12,000	3	25%	\$ 750
<u>Calculation</u>	\$12,000	3	25%	= \$ 750

2. Fringe Benefits

Enter in the parenthesis the fringe benefit rate applicable to employees of the institutions. In Column 4, enter the amount determined by applying the rate to the total of the salaries in Column 4 to which the rate applies.

3. Option for Salary Detail Submission

Institutions may require that the salary rates and amounts requested for individuals not be made available to SBA reviewing consultants. To do so, an additional copy of this page must also be submitted, complete in all respects, except that Columns 1 and 4 may be left blank.

Supplement To Part III, Section F

Key Personnel

(Signature)

(Title)

(Date)

DETAILED BUDGET FOR TWELVE MONTH BUDGET PERIOD

<u>DIRECT COST</u>	CUMULATIVE (Fed & Non-Fed) TOTALS
Personal Services <i>(Refer to Key Personnel, Section F, Page A-10)</i>	
Fringe Benefits	
Consultants <i>(Refer to Contractual)</i>	
Travel <i>(give detailed information: no. of travelers, no. of trips, mileage, etc.)</i>	
Equipment <i>(give detailed information: serial no., model no.; indicate if equipment is purchased or rental)</i>	
Supplies <i>(give detailed information)</i>	
Contractual <i>(give detailed information)</i>	
Other <i>(give detailed information)</i>	
TOTAL DIRECT COST	

NOTE: All categories must be supported by narrative justification.

<u>INDIRECT COST</u>		CUMULATIVE TOTALS
(Rate	%)	
<i>(Costs identified as indirect can not be duplicated in Direct Cost.)</i>		
Overhead <i>(give detailed information)</i>		
General and Administrative <i>(give detailed information)</i>		
TOTAL INDIRECT COST		\$

OTHER

Profit/Fee	
	\$ -0-
TOTAL ALLOWABLE BUDGET	\$

Does organization have a definitized approved rate package across the board for all grants/cooperative agreements/contracts? Check one: ☐ Yes ☐ No

If the answer is “yes”, provide rate(s); name of approving audit agency; date.

Note: All costs approved on this budget must meet the tests of necessity, reasonableness, allowability, and allocability in accordance with applicable cost principles applicable to this award. All costs charged to this project are subject to audit. Recipients are responsible to insure proper management and financial accountability of federal funds to preclude future costs disallowances. Payment will be made by reimbursement.

All categories must be supported by narrative justification.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

ASSURANCES AND CERTIFICATIONS

The Applicant hereby assures and certifies that he/she will comply with the regulations, policies, guidelines, and requirements including 13 C.F.R. Part 143; OMB Circulars A-73, A-87, A-88, A-89, A-102, A-110, A-122 (or any regulations which are later promulgated to supplement or replace it), and A-130, as appropriate and as they relate to the application, acceptance and use of Federal funds for this federally assisted project. Also the applicant assures and certifies with respect to the grant/cooperative agreement that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the application and to provide such additional information as may be required.
2. It will comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352) and in accordance with Title VI of that Act no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the applicant receives Federal assistance and will immediately take any measures necessary to effectuate this agreement.
3. It will comply with Title VI of the Civil Rights Act of 1964 (42 USC 2000d) prohibiting employment discrimination where (1) the primary purpose of a grant is to provide employment or (2) discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
4. It will comply with requirements of the provision of the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced as a result of Federal and federally assisted programs.
5. If it is a State or local governmental entity, that those of its employees whose principal employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a Federal agency will comply with the relevant provisions of the Hatch Act.
See U.S.C. Sections 1501-1503.
6. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standard Act, as they apply to hospital and educational institution employees of State and local governments.
7. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for a private gain for themselves, or others, particularly those with whom they have family, business, or other ties.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

8. It will give the grantor agency or the Comptroller General through any authorized representative the access to and the right to examine all records, books, papers, or documents related to the grant.
9. It will comply with all requirements imposed by the Federal grantor agency concerning special requirements of law, program requirements, and other administrative requirements approved in accordance with Office of Management and Budget Circulars A-102, A-110, and A-122 (and any regulations which are later promulgated to supplement or replace it), 13 C.F.R. Part 143 as appropriate.
10. This application does not propose any activities that would involve human beings who might be considered subjects, human material, or personal data from primary or secondary sources.
11. This is to hereby certify that this project does not have an effect on the environment such as on the following areas: natural resources, pollution, populations, and any adverse effect through the delivery of services.
12. This is to hereby acknowledge that the U.S. Small Business Administration has a royalty-free, nonexclusive and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use any copyrighted materials and reports which shall have been developed under this grant. The recipient also, hereby agrees to notify and provide three copies of any copyrighted materials developed under this grant to the Small Business Administration.
13. This hereby certifies that applicant possesses adequate grant management capabilities as required by OMB circulars and SBA Federal Assistance Administration Regulations and Guidelines in all of the following areas: fiscal administration, facilities management, management information, personnel, planning and budget, procurement and property management.
14. This hereby certifies that applicant meets the standards for fund control and accountability as prescribed in 13 C.F.R. part 143 or OMB Circulars A-102, A-110, and A-122 (or any regulations which are later promulgated to supplement or replace it) as appropriate in accordance with the legal status of the applicant's organizational status and has established or can demonstrate the willingness and ability to establish procedures that will minimize the time elapsing between the transfer of funds from the Treasury and their disbursement by the grantee if advance payment procedures are used.
15. It will ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA) list of Violating facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration from listing by the EPA.
16. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Insurance Act of 1973, Public Law 93-234, 87 Stat. 975, approved

APPENDIX B: ASSURANCES AND CERTIFICATIONS

December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having flood hazard.

The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

17. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 U.S. C. 4 70), Executive Order 11593, and the Archeological and Historic Preservation Act of 1966 (16 U.S. C. 469a-1 et seq.) by (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notify the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
18. It will comply with the requirements which provide that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to the discrimination under any activity receiving Federal financial assistance.
19. It will comply with P.L. 93-112 and P.L. 93-516 which provide that no otherwise qualified handicapped individual in the United States shall, solely by reason of his handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity receiving Federal financial assistance.
20. It will comply with P.L. 94-135 which provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any activity receiving Federal financial assistance.
21. Certification regarding debarment, suspension, and other responsibility matters: primary covered transactions.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

Certification Regarding Debarment, Suspension and Other Responsibility Matters - Primary Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in the denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transactions," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings
10. Except for transactions authorized under paragraph, 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

Certification Regarding Debarment, Suspension, and Other Responsibility Matters Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) are not presently debarred, suspended, proposed or for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default.
2. Where the prospective primary participant is unable to certify to any of the statements in his certification, such prospective primary participant shall attach an explanation to this proposal.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and voluntarily excluded," as used in this clause, have the meanings set out in the definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations (13 CFR Part 145).
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause title "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed which is normally possessed by a prudent person in the ordinary course of business dealings.

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9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions

1. The prospective lower tier participant certifies, by submission of this proposal, that either it nor its principals are presently debarred, suspended, proposed of debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

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Certification Regarding Compliance with Section 5153 of the Drug-Free Workplace Act of 1988, Public Law 100-690, Title V, Subtitle D

By signing and submitting this proposal, the participant is providing the certification set out below.

1. The participant hereby certifies that it will provide a drug-free workplace by.
 - a. publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employee for violations of such prohibition;
 - b. establishing a drug-free awareness program to inform employees about:
 - (i) the dangers of drug abuse in the workplace;
 - (ii) the grantee's policy of maintaining a drug-free workplace;
 - (iii) any available drug counseling, rehabilitation, and employee assistance program; and
 - (iv) the penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - c. making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by subparagraph (A);
 - d. notifying the employee in the statement required by subparagraph (A), that as a condition of employment in such grant, the employee will.
 - (i) abide by the terms of the statement; and
 - (ii) notify the employer of any criminal drug use statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
 - e. notifying the granting agency within 10 days after receiving notice of a conviction under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;
 - f. taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(ii), with respect to any employee who is so convicted:
 - (i) taking appropriate personnel action against such an employee, up to and including termination; or
 - (ii) requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - g. making a good faith effort to continue to maintain a drug-free workplace through implementation of subparagraphs (A), (B), (C), (E), (F), and (G).

APPENDIX B: ASSURANCES AND CERTIFICATIONS

The grantee shall insert in the space provided below the site(s) for the performance of work done in connection with the specific grant.

Place of Performance (Street Address, City, County, State and Zip Code)

2. The participant hereby certify that, as a condition of this grant, he/she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of controlled substance in conducting any activity with such grant.

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Certification Regarding Lobbying Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his/her knowledge and belief, that.

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal, contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions. (Standard Form LLL-A is "Continuation Sheet" of Standard Form LLL).
3. The undersigned shall require that the language of this certification be included in the award documents for all subaward of all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The participant also certifies that the information in these assurances and certifications in support of this proposal is correct to the best of his/her knowledge and belief and the filing of this application has been duly authorized.

Legal Name of Participant

Address

Print Name and Title of Authorized Representative

Signature of Authorized Representative

Date signed

APPENDIX B: ASSURANCES AND CERTIFICATIONS

APPLICABLE FEDERAL REQUIREMENTS, POLICIES STANDARDS AND CIRCULARS

Listed below are the most relevant Federal statutes, regulations, policies, and other directives affecting 7(j) Management and Technical Assistance Grant and Cooperative Agreement administration.

Title VI of the Civil Rights Act of 1964

"No person in the United States shall on the grounds of race, color, or national origin, be excluded from participation, be denied the benefits of, or be subjected discrimination under any program or activity receiving Federal financial assistance."

Utilization of Small Business Concerns

It is the policy of the Government, as declared by the Congress, that a fair proportion of the purchases and contracts for supplies and services for the Government be placed with small business concerns. 7(j) recipients are encouraged to contract with the small business concerns when the recipient finds it to be consistent with the efficient performance of his/her award.

Utilization of Minority Business Enterprises

It is the policy of the Government that minority business enterprises, as defined in Executive Order 11625, shall have the maximum practicable opportunity to participate in the performance of Government awards and contracts. 7(j) grant and cooperative agreement recipients must make their best efforts to award their contracts in accordance with this policy. Self certification of their contractors is sufficient with respect to their status as minority business enterprises instead of an independent investigation.

Utilization of Labor Surplus Area Concerns

It is the policy of the Government to make awards to Labor Surplus Area concerns. These are concerns which:

- (1) can perform efficiently, at a price no higher than can be obtained elsewhere;
- (2) employ a proportionate number of disadvantaged individuals; and
- (3) will, together with their first-tier contractors, perform substantially in areas designated by the Secretary of Labor as areas of concentrated unemployment or underemployment or persistent or substantial labor surplus. 7(j) grant and cooperative agreement assistance recipients must make a best effort to place their contracts in accordance with this policy.

7(j) grant and cooperative agreement recipients must make a best effort to place their contracts in accordance with this policy.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

Non-Discrimination on the Basis of Sex

No person in the United States shall, on the grounds of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any 7(j) award.

Non-Discrimination Toward the Handicapped

No otherwise qualified handicapped individual in the United States shall, solely by reason of his or her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under activity supported by any 7(j) award.

A "handicapped individual" is any person who (a) has a physical or mental impairment which substantially limits one or more of such person's major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

Age Discrimination Act of 1975

Age discrimination is prohibited in all 7(j) programs.

Rehabilitation Act of 1973

This Act prohibits discrimination on the basis of physical or mental handicap in every Federally assisted program or activity.

Architectural Barriers Act of 1968

Federally occupied and funded buildings, facilities, and public conveyances must be designed, constructed, or altered so as to be accessible to the physically handicapped.

Executive Order 11246

No government contractor or subcontractor (or recipient of Federal financial assistance which may involve a construction contract, or a recipient contractor) may discriminate against any employee or applicant for employment on the basis of race, color, religion, sex, or national origin.

Executive Order 11518

Provides for the increased representation of the interests of small business concerns before departments and agencies of the United States Government.

Executive Order 11625

Prescribes additional arrangements for developing and coordinating a national program for minority business enterprise.

APPENDIX B: ASSURANCES AND CERTIFICATIONS

Executive Order 12138

This order created a National Women's Business Enterprise Policy. It prescribed arrangements for developing, coordinating, and implementing a national program for women's business enterprise.

Hatch Act

This Act prohibits certain public employees from engaging in specified political activities. The prohibition applies to State and local government employees involved in activities that are financed in whole or part by Federal loans or grants.

Federal Grant and Cooperative Agreement Act 31 U.S.C. Subsections 6301-6308

This Act establishes Government-wide criteria for the use of procurement contracts, grants, and cooperative agreements. The criteria are based upon the Government's purposes for entering into various transactions.

Freedom of Information Act

This Act ensures the right of any person, organization, governmental unit or entity to obtain access to a wide range of records related to the performance of the official functions of Federal agencies.

Contract Work Hours and Safety Standards Act

This Act ensures that laborers and mechanics (including sentries and guards) employed by contractors or subcontractors in the performance of Federal contracts above specific dollar thresholds be paid overtime compensation at a rate of not less than one and one-half times their basic rates of pay for all hours worked in excess of 8 in a calendar day, or 40 in a work week, whichever is greater. This Act also includes safety and health provisions.

OMB Circular A-21, Cost Principles for Educational Institutions

This Circular establishes principles for determining costs applicable to grants, contracts, and other agreements with educational organizations. The principles deal with the subject of cost determination, and make no attempt to identify the circumstances which dictate the extent of agency and organizational participation in the financing of a particular project. The principles are designed to provide that the Federal Government bear its fair share of total costs, determined in accordance with generally accepted accounting principles, except where restricted or prohibited by law. Agencies are not expected to place additional restrictions on individual items of cost. Provisions of profit or other increments above cost are outside the scope of this Circular.

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OMB Circular A-73,

Audit of Federal Operations and Programs

This Circular sets forth policies to be followed in the audit of Federal operations and programs.

OMB Circular A-87,

Principles For Determining Costs, Applicable To Grants and Contracts with State, Local and Federally Recognized Indian Tribe Governments

This Circular establishes principles and standards for determining costs applicable to grants and contracts with State and local governments and Federally recognized Indian Tribal governments.

OMB Circular A-88,

Indirect Cost Rates, Audit, and Audit Follow Up at Educational Institutions

This Circular provides policies for: establishing indirect cost rates; auditing; correcting systems deficiencies; and resolving questioned costs. It applies to Federal grants, contracts, and other agreements with educational institutions. The objectives are to promote a coordinated Federal approach, and to achieve a more effective use of staff resources.

OMB Circular A-89,

Catalog of Federal Domestic Assistance

This Circular establishes policies for the development and issuance of the "Catalog of Federal Domestic Assistance." This revision delegates certain statutory authorities for Catalog matters vested in the Director of the Office of Economic Opportunity to the Director of the Office of Management and Budget, effective July 1, 1970. It also modifies the contents of the Catalog, based upon operational experience under the previous Circular. This is intended to make the document more useful to potential applicants for Federal domestic assistance and to program managers at all levels of Government.

13 C.F.R. Part 143

This regulation establishes requirements for performance of grants and cooperative agreements by state and local governments.

OMB Circular A-110,

Grants and Agreements with Institutions of Higher Education, Hospitals, and other Nonprofit Organizations

This Circular promulgates standards for obtaining consistency and uniformity among Federal agencies in the administration of grants to, and other agreements with, public and private organizations of higher education, public and private hospitals, and other quasi-public and private organizations.

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OMB Circular A-122, Cost Principles for Nonprofit Organizations

This circular establishes principles for determining costs of grants, contracts and other agreements with nonprofit organizations.

48 C.F.R. (FAR) Part 31.2

This provision establishes cost principles for commercial organizations.

OMB Circular A-130, Management of Federal Information Resources

This Circular establishes policy for the management of Federal information resources. Procedural and analytical guidelines for implementing specific aspects of these policies are included as appendices.

Treasury Circular 1075

This Circular sets forth regulations governing payments to recipient organizations for financing operations under Federal grant and other programs.

Treasury Circular 1082, Notification to States of Grant-In-Aid Information

This Circular provides revised procedures and prescribes a standard reporting form for the notification to States of Grants-In-Aid information in conformance with the provisions of Section 210 of the Inter-governmental Cooperation Act of 1968.